

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Harold Rodriguez	Team: Squad #11	CCRB Case #: 201806944	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) NA, 08/___/2018 12:01 AM	Location of Incident: In front of 1152 Myrtle Avenue	Precinct: 83	18 Mo. SOL 2/1/2020	EO SOL 2/1/2020	
Date/Time CV Reported Thu, 08/23/2018 10:26 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/23/2018 10:26 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			Unknown
2. An officer			Unknown

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers stopped the vehicle in which § 87(2)(b) was an occupant.	
B. Officers	Abuse: Officers stopped the vehicle in which § 87(2)(b) was an occupant.	
C. An officer	Abuse: An officer questioned § 87(2)(b)	
D. An officer	Off. Language: An officer made remarks to § 87(2)(b) based upon religion.	
E. An officer	Abuse: An officer interfered with § 87(2)(b)'s use of a recording device.	
F. An officer	Abuse: An officer frisked § 87(2)(b)	
G. An officer	Abuse: An officer searched § 87(2)(b)	
H. An officer	Abuse: An officer searched § 87(2)(b)	
I. Officers	Abuse: Officers searched the vehicle in which § 87(2)(b) was an occupant.	
J. An officer	Abuse: An officer refused to provide his shield number to § 87(2)(b)	

Case Summary

§ 87(2)(b) filed the following complaint with the CCRB via telephone on August 23, 2018.

On an unknown date in August 2018, at approximately 12:00 a.m., § 87(2)(b) was driving § 87(2)(b)'s step-daughters to their home at § 87(2)(b) in Queens. They were pulled over by three unidentified plain clothed officers, who were driving a black or navy blue Chevy Impala, in front of 1152 Myrtle Avenue in Brooklyn (**Allegations A and B-Abuse of Authority:** § 87(2)(g)). An officer asked § 87(2)(b)'s step daughter, § 87(2)(b) if there were any drugs in the car (**Allegation C-Abuse of Authority:** § 87(2)(g)). Since § 87(2)(b) did not have his driver's license, § 87(2)(b) provided his license to an officer. This officer stated, "The DMV lets you take a picture with that shit on your head?" referring to § 87(2)(b) wearing a Kufi for religious purposes (**Allegation D-Offensive Language:** § 87(2)(g)). An officer told everyone to step out of the vehicle and § 87(2)(b) took out his phone to record. An officer grabbed § 87(2)(b)'s phone and tossed it onto the front seat of the vehicle (**Allegation E-Abuse of Authority:** § 87(2)(g)). The officer frisked § 87(2)(b) (**Allegation F-Abuse of Authority:** § 87(2)(g)). The officer then searched § 87(2)(b) and § 87(2)(b)'s pockets (**Allegations G and H-Abuse of Authority:** § 87(2)(g)). Two of the officers then searched the vehicle (**Allegation I-Abuse of Authority:** § 87(2)(g)). Near the end of the incident, § 87(2)(b) asked one of the officers for his shield number and the officer turned around the shield he had around his neck and walked away (**Allegation J-Abuse of Authority:** § 87(2)(g)). The officers left the location without issuing a summons or arresting anyone.

There is no video footage associated with this case.

Findings and Recommendations

Allegation A – Abuse of Authority: Officers stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation B – Abuse of Authority: Officers stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation C – Abuse of Authority: An officer questioned § 87(2)(b)

Allegation D – Offensive Language: An officer made remarks to § 87(2)(b) based upon religion.

Allegation E – Abuse of Authority: An officer interfered with § 87(2)(b)'s use of a recording device.

Allegation F – Abuse of Authority: An officer frisked § 87(2)(b)

Allegation G – Abuse of Authority: An officer searched § 87(2)(b)

Allegation H – Abuse of Authority: An officer searched § 87(2)(b)

Allegation I – Abuse of Authority: Officers searched the vehicle in which § 87(2)(b) was an occupant.

Allegation J – Abuse of Authority: An officer refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) filed the complaint with the CCRB via telephone on August 23, 2018 and provided an in-person sworn statement on September 18, 2018. When § 87(2)(b) initially filed this complaint, he stated that the incident date was August 22, 2018. During his in-person

sworn statement 26 days later, he did not recall the date of the incident and gave a range of dates between August 20, 2018 and August 23, 2018. § 87(2)(b) stated that he would send a copy of his § 87(2)(b) issued for the date of the incident and receipts from repairs of alleged damage caused by the officers to the vehicle, which would assist the investigation in narrowing down the incident date. Several contact attempts were made to § 87(2)(b) between September 24, 2018 and October 11, 2018 via telephone to remind him about sending the aforementioned documents. § 87(2)(b) never provided the CCRB with these documents. § 87(2)(b) described the officers he interacted with as being three white males in plain clothes in an unmarked vehicle.

On October 11, 2018, § 87(2)(b) provided an unverified telephone statement to the CCRB and he could not recall the date of the incident. He also could not describe the officers that interacted with them.

§ 87(2)(b) refused to provide last names or contact information for his step-daughters § 87(2)(b) and § 87(2)(b) and did not want them to provide a statement to the CCRB.

Events and Resource Recap Logs from the 83rd Precinct, which is the alleged Precinct of occurrence, between August 20 and August 13, 2018 did not list any incidents occurring at the 1152 Myrtle Avenue (Board Review 01 and 02).

Roll Calls and Daily Vehicle Assignment Sheets were requested from the 83rd Precinct from August 21 to August 23, 2018. The Tour 1 and Tour 3 roll calls did not contain any team of potentially plainclothes officers that matched the descriptions provided by § 87(2)(b). Each plainclothes unit contained at least one Hispanic and/or Black male (Board Review 03). Due to the wide range of potential incident dates, tours and the lack of additional information, additional documents were not requested from other commands that would operate in plainclothes.

Although § 87(2)(b) stated that the officers looked up his driver's license and referenced his curfew, a request for warrant checks done using § 87(2)(b)'s name and date of birth between August 19, 2018 and August 25, 2018 yielded negative results from IAB and the New York State Police (Board Review 04).

§ 87(2)(g)

Allegations Not Pleaded

During a telephone conversation on January 10, 2019, § 87(2)(b)'s girlfriend, § 87(2)(b) stated that there was damage to the interior of her vehicle but she was not present during the incident to see how it was caused. § 87(2)(b) did not want to pursue a complaint against the NYPD in regards to the damage caused to her vehicle and stated that she did not want to be involved in anything related to § 87(2)(b) as they were no longer together and no longer owned the vehicle. § 87(2)(g)

Civilian and Officer CCRB Histories

